



Reprinted  
January 27, 2009

## SENATE BILL No. 269

DIGEST OF SB 269 (Updated January 26, 2009 2:05 pm - DI 103)

**Citations Affected:** IC 10-14; IC 10-15; IC 13-25; IC 22-12; IC 22-14; noncode.

**Synopsis:** Various public safety commissions. Specifies the manner of approval for allocations from the emergency management contingency fund. Allows certain members of: (1) the homeland security foundation; (2) local emergency planning committees; and (3) the board of firefighting personnel standards and education; to appoint designees. Provides that all amusement and entertainment permits expire one year after the date of issuance.

**Effective:** July 1, 2009.

**Arnold, Wyss**

January 7, 2009, read first time and referred to Committee on Homeland Security, Transportation & Veterans Affairs.  
January 20, 2009, reported favorably — Do Pass.  
January 26, 2009, read second time, amended, ordered engrossed.

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SB 269—LS 6616/DI 103+



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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## SENATE BILL No. 269

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 10-14-3-28 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 28. (a) The general  
3 assembly may appropriate the sums necessary to administer this  
4 chapter.

5 (b) The emergency management contingency fund is established.  
6 The fund consists of money appropriated by the general assembly.  
7 Money in the fund must be held in reserve and allocated for emergency  
8 management purposes **as follows:**

9 (1) **For an allocation of not more than one hundred thousand**  
10 **dollars (\$100,000), upon the approval of the director and the**  
11 **budget director.**

12 (2) **For an allocation of more than one hundred thousand**  
13 **dollars (\$100,000), upon (+) the recommendation of the director**  
14 **and (-) the approval of the governor and the budget committee.**  
15 **agency.**

16 SECTION 2. IC 10-15-2-2, AS AMENDED BY P.L.22-2005,  
17 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2009]: Sec. 2. (a) The foundation consists of nine (9) voting members and four (4) nonvoting advisory members.

(b) The voting members shall be appointed by the governor. Each Indiana congressional district must be represented by at least one (1) member who is a resident of that congressional district. Not more than five (5) of the members appointed under this subsection may represent the same political party.

(c) The four (4) nonvoting advisory members are as follows:

(1) Two (2) members, one (1) from each political party, appointed by the president pro tempore of the senate with advice from the minority leader of the senate.

(2) Two (2) members, one (1) from each political party, appointed by the speaker of the house of representatives with advice from the minority leader of the house of representatives.

(d) In the absence of a member, the member's vote may be cast by another member if the member casting the vote has a written proxy in proper form as required by the foundation.

**(e) A voting member may appoint a designee of the same political party as the voting member to act on the voting member's behalf under this chapter. An appointment under this section must:**

**(1) be in writing;**

**(2) specify the duration of the appointment; and**

**(3) be maintained in the permanent records of the foundation.**

SECTION 3. IC 10-15-2-3, AS AMENDED BY P.L.22-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) A quorum consists of five (5) of the voting members of the foundation.

(b) The affirmative vote of at least five (5) voting members of the foundation **or the members' designees** is necessary for the foundation to take action.

SECTION 4. IC 13-25-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) The commission shall do the following:

(1) Encourage and support the development of emergency planning efforts to provide:

(A) state government entities;

(B) local governments; and

(C) the public;

with information concerning potential chemical hazards in Indiana.

(2) Assist the state in complying with the requirements of SARA.

(3) Design and supervise the operation of emergency planning

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districts in Indiana.

(4) Gather and distribute information needed for effective emergency response planning.

(b) A local emergency planning committee shall do the following:

(1) Satisfy the requirements of SARA.

(2) Prepare and submit a roster of committee members to the commission at least one (1) time each year.

(3) Meet at least two (2) times, on separate days, every six (6) months.

(4) Prepare and submit the report required under IC 6-6-10-8.

**(c) A local emergency planning committee member who is an employee of a unit (as defined in IC 36-1-2-23) may appoint a designee of the same political party as the committee member to act on the committee member's behalf under this chapter. An appointment under this subsection must:**

**(1) be in writing;**

**(2) specify the duration of the appointment; and**

**(3) be submitted to the committee at least two (2) calendar days before the first meeting that the designee attends on behalf of the member.**

SECTION 5. IC 22-12-3-2, AS AMENDED BY P.L.101-2006, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) The education board consists of eleven (11) voting members ~~The governor shall appoint nine (9) individuals as voting members of the education board; each to serve a term of four (4) years:~~ as follows:

**(1) The state fire marshal and or the state fire marshal's designee.**

**(2) The ~~deputy~~ director of the department's division of preparedness and training shall also serve as voting members of the education board: or the director's designee.**

**(3) Nine (9) members appointed by the governor, each serving a four (4) year term.**

(b) Each appointed member of the education board must be qualified by experience or education in the field of fire protection and related fields.

(c) Each appointed member of the education board must be a resident of Indiana.

(d) The education board must include the following appointed members:

(1) Seven (7) individuals who are members of fire departments.

Appointments under this subdivision must include the following:

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1 (A) At least one (1) individual who is a full-time firefighter (as  
2 defined in IC 36-8-10.5-3).

3 (B) At least one (1) individual who is a volunteer firefighter  
4 (as defined in IC 36-8-12-2).

5 (C) At least one (1) individual who is a fire department officer.

6 (2) Two (2) citizens who are not members of a fire department.

7 SECTION 6. IC 22-14-3-2, AS AMENDED BY P.L.57-2008,  
8 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2009]: Sec. 2. (a) The division shall issue an amusement and  
10 entertainment permit to an applicant who qualifies under section 3 of  
11 this chapter.

12 (b) A permit issued under section 3 of this chapter expires ~~as~~  
13 ~~follows: (1) For a permit issued to a school under section 1(c) of this~~  
14 ~~chapter; one (1) year after the date of issuance. (2) For a permit other~~  
15 ~~than a permit described in subdivision (1); December 31 in the year the~~  
16 ~~permit is issued.~~ The permit applies only to the place, maximum  
17 occupancy, and use specified in the permit.

18 SECTION 7. [EFFECTIVE JULY 1, 2009] (a) **IC 22-14-3-2, as**  
19 **amended by this act, applies to amusement and entertainment**  
20 **permits issued after June 30, 2009.**

21 (b) **This subsection applies to an unexpired amusement and**  
22 **entertainment permit issued before July 1, 2009. Notwithstanding**  
23 **IC 22-14-3-2, as amended by this act, an amusement and**  
24 **entertainment permit expires one (1) year after the date of**  
25 **issuance.**

26 (c) **This SECTION expires December 31, 2010.**

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## COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill No. 269, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 269 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 7, Nays 0.

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SENATE MOTION

Madam President: I move that Senate Bill 269 be amended to read as follows:

Page 2, line 18, after "designee" insert "**of the same political party as the voting member**".

Page 3, line 13, after "designee" insert "**of the same political party as the committee member**".

(Reference is to SB 269 as printed January 21, 2009.)

YOUNG R MICHAEL

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